

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
No. 7:17-CV-198-BO

BENJAMIN JOSEPH STATON, JR.,

Plaintiff,

v.

NANCY A. BERRYHILL, *Acting Commissioner*
of Social Security,

Defendant.

ORDER

This cause comes before the Court on entry of a memorandum and recommendation by United States Magistrate Judge Robert B. Jones, Jr. 28 U.S.C. § 636(b). No objections to the memorandum and recommendation have been filed, and the matter is ripe for review.


On October 23, 2017, Judge Jones filed a memorandum and recommendation (“M&R”) recommending that plaintiff’s motion to proceed *in forma pauperis* be denied. [DE 4]. Judge Jones found that plaintiff had sufficient income to pay the required court costs, as he receives a monthly disability payment, has disposable monthly income greater than the fee, and has no dependents.

A district court is required to review de novo those portions of an M&R to which a party timely files specific objections or where there is plain error. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140, 149-50 (1985). “[I]n the absence of a timely filed objection, a district court need not conduct de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (internal quotation and citation omitted).

No objections were filed here. The Court has reviewed the M&R and is satisfied that there is no clear error on the face of the record. Accordingly, the memorandum and

recommendation is ADOPTED. Plaintiff's motion for leave to proceed *in forma pauperis* is DENIED. Plaintiff is therefore DIRECTED to tender to the clerk the filing and administrative fees of \$400.00. Plaintiff has fourteen (14) days from the date of this order to remit payment.

SO ORDERED, this 19 day of January, 2018.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE